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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,468	10/17/2001	Ming-Chi Huang		5112

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

EXAMINER

HARVEY, DIONNE

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,468

Applicant(s)

HUANG, MING-CHI

Examiner

Dionne N Harvey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/17/2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to because:
 - a. The Examiner is not clear as to what has been depicted in Applicant's figure 2. Does figure 2 depict first and second layers of material prior to folding and bonding?
 - b. With regard to figure 2, and as best understood, assuming that after the bonding procedure takes place, element 14 of figure 5 has positioned thereon a hook-n-loop fastener on both, the forward and rearward sides. It is unclear from figure 2 how folding of said foldable member 14 will facilitate the connection of one hook-n-loop fastener to the other, due to the disposed positions of said hook-n-loop fasteners.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

In the page 4 of the Applicant's specification, reference character "14" has been used to designate both foldable part and detachable part.

The disclosure is not clear as to the function and construction of the "chain clip".

Applicant's disclosure is unclear about the purpose of the "hanging plate" and "hanging hole". According to page 4 of the Applicant's specification, "...a hanging belt can be arranged to pass over the hanging hole 131 of the hanging plate so that the bag 1 is possible to be attached to a proper place." Does the Applicant refer to a rope or cord for threading through the hanging hole, thereby facilitating attachment to a user?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tate (US 5,123,044)** in view of **Motson (US 6,612,432)**.

Regarding claim 1, Tate teaches a bag for a mobile phone made of soft plastic material; in column 4, lines 1-3, Tate teaches a double walled construction enabling inflation and in figure 6 Tate illustrates said double walled construction, thereby reading on "two layers of material" so as to form an air chamber 22 there between; in figure 7, Tate teaches that the material is selected such that the bag will form a specific shape comprising multiple inflatable chambers of varying sizes 32,36, in addition to wall portions of varying lengths 30,34, thereby reading on "material being treated with high frequency thermo-bonding technique to form a specific shape"; in column 3, lines 55-57, Tate teaches that the cover is designed to be fitted over a mobile telephone handset, thereby inherently teaching "a receiving room" for disposing the phone therein, and "an opening" for facilitating insertion of the mobile phone; Tate further illustrates in figure 3 a facial side having an opening for the speaker and keyboard portions, which is interpreted as reading on "a facial side with a middle transparent area"; and in figure 6, Tate teaches an air chamber 22, reading on "an air filling part surrounding the

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transparent area"; Tate teaches that the rear side of the cover is provided with an air valve 18, which reads on, "a rear side filled with a filling inlet"; and Tate appears to teach a chain clip at the opening.

Tate does not clearly teach that the opening through which the mobile telephone is inserted, is provided with hook and loop fasteners, or that said fasteners are adhered firmly after a foldable part is folded, or that a hanging plate is disposed at the back of said foldable part with a hanging hole.

In figures 1-3, Motson teaches a protective covering for a mobile device, wherein the mobile phone is secured within it's protective covering by way of hook-and-loop fasteners 50,52 which are adhered to one another when a top flap 28 is folded into a closing position, said top flap reading on a "foldable part", as claimed. Additionally, in figures 7-8, Motson teaches that a rear panel 16 is located at the back of the foldable part 28, said rear panel reading on "a hanging plate" and further teaches that said hanging plate 16 is provided with a hanging hole 54. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Tate and Motson, constructing the protective covering so as to include hook and loop fasteners, as well as a hanging plate and hanging hole, for the purpose of securely disposing a mobile phone within it protective covering, in addition to providing a means for connecting said mobile phone to the user.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne N Harvey whose telephone number is 703-305-1111. The examiner can normally be reached on 9-5:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Harvey


CURTIS KUNTZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800